

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION JOINT APPROPRIATIONS SUBCOMMITTEE ON HEALTH & HUMAN SERVICES**

**Call to Order:** By **CHAIRMAN DAVE LEWIS**, on January 31, 2000 at 9:00 A.M., in Room 152 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Dave Lewis, Chairman (R)  
Sen. John Cobb, Vice Chairman (R)  
Rep. Edith Clark (R)  
Rep. Joey Jayne (D)  
Sen. Bob Keenan (R)  
Sen. Mignon Waterman (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Robert V. Andersen, OBPP  
Pat Gervais, Legislative Branch  
Lois Steinbeck, Legislative Branch  
Sydney Taber, Committee Secretary  
Connie Welsh, OBPP

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: Child and Family Services  
Overview  
Executive Action: None.

***{Tape : 1; Side : A; Approx. Time Counter : 0.3-.5}***

**Pat Gervais, Legislative Fiscal Division (LFD)**, distributed some information for the Committee to read: **EXHIBIT(jhh00a01)**, a memo on dual diagnoses; **EXHIBIT(jhh00a02)**, a memo from Joan Miles, Lewis and Clark County Health Officer on home visiting outcomes; **EXHIBIT(jhh00a03)**, a global overview of the tobacco epidemic; and **EXHIBIT(jhh00a04)**, a study of California tobacco control programs and the decline in cigarette consumption and mortality from heart disease.

**{Tape : 1; Side : A; Approx. Time Counter : 0.5 - 11}**

**Chuck Hunter, Administrator of Child and Family Services,** presented an overview of his Division and **EXHIBIT(jhh00a05)** He remarked that there is not the same level of public trust and credibility in his Division as there is in others, because division staff have the responsibility of intruding into families when parents neglect and abuse their children. There is a public perception that the Division does not care about families and children, and that it is too quick to remove children from homes. In response to a question from **SEN. COBB, Mr. Hunter** said that he does believe that the Division's budget suffers as a result of that public perception.

**Mr. Hunter** expressed his admiration for the people in his program who work under tremendous pressure and conflict on a daily basis. He addressed the 15% reductions that the Division is proposing, which would occur primarily in reduction of in-home services and elimination of 25 FTE.

**{Tape : 1; Side : A; Approx. Time Counter : 11 - 14.7}**

**REP. JAYNE** asked **Mr. Hunter** what other areas of the Division would not get cut. What other programs are there? **Mr. Hunter** responded that they provide basic investigatory function in child abuse and neglect cases; they provide in-home services once a child is in the foster care system; they sustain the foster care system and adoption services.

**{Tape : 1; Side : A; Approx. Time Counter : 14.7 - 16.8}**

**Gail Gray, Director of the Department of Health and Human Services (DPHHS),** commented that this Division took significant cuts between the Racicot and Martz budget before the 15% reduction. They have already taken a reduction of 26 staff down to 6.

**{Tape : 1; Side : A; Approx. Time Counter : 16.8 - 28.8}**

**REP. JAYNE** stated that staff is important to see that family reunification efforts occur promptly. She always thought the investigatory portion was heavy handed and feels that the in-home services are more important in getting families back together.

**Mr. Hunter** said that he had asked for a \$2 million increase in the original budget; the in-home services are a vital part of the Division.

**{Tape : 1; Side : A; Approx. Time Counter : 28.8 - 39.5}**

**Mr. Hunter** reviewed the statutory mandates on the Division, which require that it investigate every referral that comes in, and that services must be available 24 hours a day, 7 days a week; and need to be responsive when the calls and referrals come in.

**Mr. Hunter** stated that the Division is already underresourced and staffing cuts would be devastating.

**SEN. COBB** asked if the Division had stayed within its budget in the last biennium. **Mr. Hunter** responded that the Division stuck within its budget, and there was no supplemental.

**Mr. Hunter** continued with the overview of the Division. The primary role of the Division is keeping children safe, but the Division also works intensively with families; provides foster care and adoption services; child abuse prevention; and domestic violence services. The Division will show a video on child abuse during the noon break.

**Mr. Hunter** reviewed the child abuse and neglect situation in Montana. There are 10,000 reports of child abuse and neglect a year, and about 13% of those cases are substantiated. The Division would like some discretion to screen some of the calls, particularly those that are the result of parents in conflict, so that it could use its staff more judiciously and also so that it would be less intrusive in families. Neglect and deprivation are the greatest problem in the state.

**{Tape : 1; Side : A; Approx. Time Counter : 39.5-43.9}**

**REP. JAYNE** requested examples of neglect and deprivation. **Mr. Hunter** responded that examples would be leaving children alone for long periods of time; inadequate clothing in the winter; and lack of proper nutrition. Joblessness, two-job families, and lack of education can be issues in such cases. Responding to a question from **SEN. COBB**, **Mr. Hunter** stated there would be fewer cases if wages were higher, but that neglect runs the whole spectrum of family situations.

**{Tape : 1; Side : A; Approx. Time Counter : 43.9-48.1}**

**SEN. WATERMAN** requested that **Mr. Hunter** address the mental illness issue in relation to the Division. She expressed concerns that children may be removed from families in which a parent is mentally ill, not because of abuse or neglect, but because the parent is viewed as incapable of raising children.

**{Tape : 1; Side : B; Approx. Time Counter : 2.2-4.7}**

**Mr. Hunter** stated that mental illness is definitely a factor in the Division's involvement in families. Often those who are mentally ill do not have much capacity to care for children, and

in those cases, the Division will investigate to see if the children are being raised appropriately.

**{Tape : 1; Side : B; Approx. Time Counter : 4.7}**

**CHAIRMAN LEWIS** requested historical trends on the children being taken out of the home. **Kathy Ostrander** stated that there are more children in foster care than there were in 1978, but that there have been changes in the statute, which have added to the increase. It is not dramatically different, but there has been an incremental growth along with population growth and the statutory changes.

**{Tape : 1; Side : B; Approx. Time Counter : 12.2-13.5}**

**SEN. WATERMAN** mentioned a situation where children are placed in foster care, but social workers do not come to see them until a month or more is gone by. **Mr. Hunter** responded that it does happen; if children are in a setting that is safe, the social workers then respond to other situations where children are at risk.

**{Tape : 1; Side : B; Approx. Time Counter : 13.5-19.4}**

**Mr. Hunter** continued with his presentation focusing on the funding sources for the next biennium. He reviewed the issues involved in learning to spend the Title XX and TANF money. Each of the programs has different eligibility requirements that families must meet before that money can be spent on them. There is a complicated mix so workers spend a lot of time figuring out what is the appropriate mix, which takes time from actual social work.

**{Tape : 1; Side : B; Approx. Time Counter : 19.4-22.9}**

Responding to **REP. JAYNE**'s question about what TANF funds are used for, **Mr. Hunter** explained that they can be used for certain types of services for eligible families. A family may need several different types of services, so there may be several different funding sources for those services and that family. He distributed information on the funding sources and services available **EXHIBIT (jhh00a06)**.

**{Tape : 1; Side : B; Approx. Time Counter : 22.9-26.3}**

There was further discussion over the eligibility issues and TANF funds.

**{Tape : 1; Side : B; Approx. Time Counter : 26.3-31.9}**

**REP. JAYNE** commented that she believes that relying too heavily on the sources of funding is obscuring the intent of the statute, which seeks the best interest of the child. These decisions on the welfare of the child should not be based on funding, but on providing the appropriate services for a child.

**SEN. WATERMAN** concurred with **REP. JAYNE** that it is the source of funding that drives the services rather than the welfare of the child. **SEN. COBB** suggested that the Committee should ask the state's delegation in Washington to see what it can do about obtaining block grant funding so that the Department can address some of these issues. **CHAIRMAN LEWIS** asked **Ms. Gervais** to draft a letter for the committee to the state congressional delegation addressing these particular issues.

*{Tape : 1; Side : B; Approx. Time Counter : 31.9-40.2}*

**Mr. Hunter** remarked that the funds that are spent in this Division are just a small portion of the money spent on these children. Many of them also receive mental health services, which are funded through Addictive and Mental Disorders Division (AMDD). **SEN. COBB** asked if the Division had difficulties getting the money for wrap around services with AMDD. **Mr. Hunter** responded that the conflicts that exist are based on different criteria and that there should be step down or wrap around services available for these children. There was further discussion on the collaboration of Divisions regarding mental health issues for children and funding sources.

*{Tape : 1; Side : B; Approx. Time Counter : 40.2-48.1}*

**SEN. WATERMAN** brought up a bill that she is proposing that would provide multiple services to multi-system children and would require that the different divisions and agencies work together to provide appropriate services. **SEN. COBB** added that the Divisions should be working together on this, but do not seem to be communicating with each other.

*{Tape : 1; Side : B; Approx. Time Counter : 48.1-51.1}*

**Director Gray** stated that it is important to her that the Divisions work together, and the Department did, in fact, do this in the solution to the supplemental. The Department needs to work as an agency, not as separate divisions.

*{Tape : 2; Side : A; Approx. Time Counter : 0.3-2.4}*

**Mr. Hunter** stated that the Division had worked with AMDD to create some efficiencies in case management for these children. He also mentioned several high profile cases, with pending legal action, regarding seriously emotionally disturbed children that would force the department to take these children into the system. This Division has a statutory mandate to take care of children that are abused and neglected and which is the function that funding is appropriated for. **Mr. Hunter** asked for the Committee's support that the division not be pressured into taking care of situations in which children are neither abused nor neglected, but parents cannot handle the situation.

**{Tape : 2; Side : A; Approx. Time Counter : 2.4-4.8}**

**SEN. WATERMAN** suggested that there may be an age discrimination issue involved in those cases. Since the state takes responsibility for an adult that is a danger to himself or others, it should also do so in the case of a child that is a danger to himself or others.

**{Tape : 2; Side : A; Approx. Time Counter : 4.8-11.8}**

**Mr. Hunter** continued with his presentation on the Division. He reviewed the organization of the Division, those employed and their main functions, and the expenditures of the program.

**{Tape : 2; Side : A; Approx. Time Counter : 11.8}**

**Mr. Hunter** then reviewed the foster care myths that are prevalent and the system of checks and balances in place to prevent abuses in the system. There was Committee discussion on the public perception that the Division is unaccountable and out of control.

**REP. JAYNE** asked if there is cooperation between law enforcement and the Division. **Mr. Hunter** stated that in general there is good rapport with law enforcement. **REP. JAYNE** commented that she has heard a lot from law enforcement and others regarding the perception that children are being removed unnecessarily from homes.

**Mr. Hunter** responded that this agency is the one that is directed by law to make those decisions regarding the safety of children, and it must do so. He then went over the statutory framework of the program and the responsibilities of the Division. The two competing elements in statute, ensuring that parents provide adequately for their children and family unity, creates conflict in the work that is done.

**{Tape : 2; Side : A; Approx. Time Counter : 24.8-29.7}**

**REP. JAYNE** commented that social workers may apply personal standards to a home, for instance, whether it is clean or not, which may not be a problem to others. **Mr. Hunter** explained that the Division establishes a statutory standard, not a matter of value, by which staff determines the suitability of a home situation.

**{Tape : 2; Side : A; Approx. Time Counter : 29.7-34.7}**

**SEN. WATERMAN** asked how long a temporary investigative authority (TIA) can go. **Mr. Hunter** stated that at present it is a 90-day time period with the potential for extension. The Division is proposing to limit it to one 90-day period. The Division uses TIA only when doing an investigation and the parents do not provide enough information to determine what is going on.

**{Tape : 2; Side : A; Approx. Time Counter : 34.7-43.7}**

**Mr. Hunter** continued with the formal and informal elements of checks and balances involved in the child welfare system.

**{Tape : 2; Side : A; Approx. Time Counter : 43.7-48.9}**

**REP. JAYNE** asked if the informal elements are involved before a child is brought into the system, to which **Mr. Hunter** responded that they are. Family group conferencing occurs before a child is brought into the system.

**{Tape : 2; Side : B; Approx. Time Counter : 0.4-10}**

The Committee discussed when it could meet to deal with the supplemental. It was suggested that a block of time would be needed. **Lois Steinbeck, LFD**, stated that she would have policy options for the Committee to consider in discussion of the supplemental. There is a way to continue mental health services for children if the Committee is interested, and there is also potential to use intergovernmental transfer funds to offset the supplemental. The Department is aware of these options.

**{Tape : 2; Side : B; Approx. Time Counter : 10-15}**

**Connie Welsh, Office of Budget and Program Planning (OBPP)**, commented that they are close to finalizing the information that **Ms. Gervais** will need.

**Ms. Steinbeck** suggested that one option in terms of the intergovernmental transfer would be to leverage federal Medicaid matching funds by using county funds being expended. It could be done this fiscal year, but would require direction from the Committee.

**{Tape : 2; Side : B; Approx. Time Counter : 15-49.5}**

**Mr. Hunter** continued with the Division's business plan. The Division wanted to move family-based services and partnership to rural areas. **Mr. Hunter** reviewed the intervention and treatment goals for this biennium.

**SEN. WATERMAN** asked **Mr. Hunter** to talk about the ombudsman, and he explained that this individual serves as a resource for foster families.

**REP. JAYNE** asked if there would be an increase in the number of licensed foster families. **Mr. Hunter** answered that he does not think it will go up much without new resources. The Division's ability to train and do the sort of the thing to recruit is limited, but there is a need for more foster homes. The need has increased as the census in care goes up.

**REP. JAYNE** asked what percentage of the adoptions meet resistance from the natural parents. **Ms. Ostrander** responded that she did not have that kind of information, but there is generally resistance from families and that most are done under involuntary termination of parental rights.

*{Tape : 3; Side : A; Approx. Time Counter : 0.3-25}*

**REP. JAYNE** commented that the state needs to try to figure out why there are so many children being removed from families. In doing so, it should provide the services or work opportunities that will help eliminate these problems.

**Mr. Hunter** continued his presentation. Fewer children are being placed in foster care than before and a corresponding number are now being placed in kinship care. Some corollary problems are: federal licensing standards for kinship families require those families to go through the training and kin families are there for kin and are not available for other families.

**Mr. Hunter** then went over the new goals: to direct and redirect the focus of prevention contracts; convert to a centralized intake system; reduce the number of children in out-of-home care through provision of more intensive in-home services; standardize social worker training for the first two years of employment; expand the use of private providers for training, conducting home studies and social histories using tools developed by the Department; conduct community education forums about CPS; and prepare for rewriting the CAPS system.

**REP. JAYNE** asked the Division to include her in the community education forum in her community.

**CHAIRMAN LEWIS** asked if they would be doing major work and spending major money on reworking CAPS. **Mr. Hunter** responded that they will try to migrate the mainframe information over to an Oracle database format, but if that cannot be done, they will need the funding to have a system designed on an Oracle database. They will be working on this over the next two years.

He concluded with Division issues: workload and staffing; funding shifts; community standards; children's mental health; post placement services; dealing with drug-affected families; and Adoption Safe Families Act (ASFA) and Child and Family Service Reviews.

*{Tape : 3; Side : A; Approx. Time Counter : 25}*

**Mr. Hunter** went over some of the issues presented in the LFD narrative and briefly touched on reductions made in the packages



that the Division is requesting and changes in the supplemental request reductions.

**Mr. Hunter** concluded his presentation.

**Mr. Hunter** submitted a memo on corrections to HB 64 data **EXHIBIT(jhh00a07)** and a guide to Child and Family Services Division **EXHIBIT(jhh00a08)**. A comprehensive study of the Montana certificate of need was submitted **EXHIBIT(jhh00a09)**.

**ADJOURNMENT**

Adjournment: 12:00 P.M.

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REP. DAVE LEWIS, Chairman

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SYDNEY TABER, Secretary

DL/ST

**EXHIBIT** (jhh00aad)